

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JUN 12 2013

CLERK, U.S. DISTRICT COURT
By _____ Deputy

UNITED STATES OF AMERICA
v.
AZEEZ AHMED AL-GHAZIANI

§ No. 4:13-CR-00002-Y
§
§

FACTUAL RESUME

In support of the defendant's plea of guilty to the offense in Count One of the Indictment charging a violation of 18 U.S.C. § 922(g)(3), that is, Unlawful User of a Controlled Substance in Possession of a Firearm, Azeez Ahmed Al-Ghaziani, and his counsel, William Biggs, stipulate and agree to the following:

1. **Elements of the Offense:** In order to prove a violation of 18 U.S.C. § 922(g)(3) as alleged in the Indictment, the government must prove each of the following elements beyond a reasonable doubt:

First: That the defendant knowingly possessed a firearm, as charged;

Second: That while the defendant possessed the firearm, he was an unlawful user of or addicted to a controlled substance; and

Third: That the possession of the firearm affected commerce; that is, that before the defendant possessed the firearm, it had traveled at some time from one state to another.¹

¹*United States v. Parett*, 260 Fed. App'x 750 (5th Cir. 2008).

2. **Stipulated Facts:** The stipulated facts that support the defendant's plea of guilty to Count One of the Indictment are as follows:

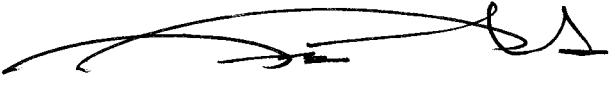
That on or about October 2, 2012, in the Fort Worth Division of the Northern District of Texas, **Azeez Ahmed Al-Ghaziani**, the defendant, then being an unlawful user of and addicted to a controlled substance as defined in 21 U.S.C. § 802, did knowingly possess in and affecting interstate commerce, firearms, that is, a Smith & Wesson, Model SW40VE, .40 caliber, pistol bearing serial number DYF8802 and a Hawk Industries, H&R 1871, Model Pardner Pump, 12 gauge shotgun bearing serial number NZ595962.

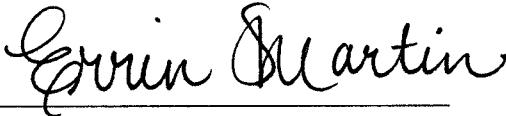
On October 2, 2012, **Al-Ghaziani** possessed, inside his truck, an unloaded Harington and Richardson, model 1871, 12 gauge, shotgun, serial number NZ595962; an unloaded Smith and Wesson .40 caliber pistol, model number SW40VE, serial number DYF8802; a box of ammunition for the shotgun; and a magazine containing approximately twelve .40 caliber rounds. **Al-Ghaziani** purchased both firearms, which were manufactured outside of the state of Texas. **Al-Ghaziani** also possessed, in the same truck with the guns, two small clear zip-lock type bags and one small zip-lock type bag with a design on it, which had contained narcotics and the contents of which **Al-Ghaziani** had consumed while in possession of the firearms. In the commercial building where **Al-Ghaziani** resided, he possessed additional methamphetamine and drug

paraphernalia. At the time **Al-Ghaziani** possessed the firearms, he used methamphetamine on a regular basis.

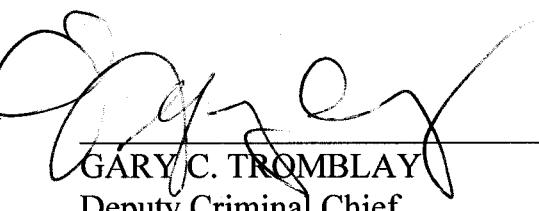
AGREED TO AND SIGNED this 6th day of June, 2013.

SARAH R. SALDAÑA
UNITED STATES ATTORNEY


AZEEZ AHMED AL-GHAZIANI
Defendant


ERRIN MARTIN
Assistant United States Attorney
Texas State Bar No. 24032572
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214.659.8600
Facsimile: 214.767.4104
Email: Errin.Martin@usdoj.gov


WILLIAM BIGGS
Attorney for Defendant


GARY C. TROMBLAY
Deputy Criminal Chief